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13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 FUJIAN JINHUA INTEGRATED CIRCUIT
20 CO., LTD., *et al.*,

21 Defendants.

CASE NO.: 3:18-cr-00465-MMC

**DECLARATION OF JINFU ZHENG
IN SUPPORT OF FUJIAN JINHUA
INTEGRATED CIRCUIT CO., LTD.'S
REPLY IN SUPPORT OF ITS
APPLICATION TO EXTEND THE
DEADLINE FOR JINHUA TO MAKE
ITS RECIPROCAL DISCLOSURES
UNDER RULE 16(b)(1)(A)**

Judge: The Honorable Maxine M. Chesney
Trial Date: February 14, 2022

1 I, Jinfu Zheng, declare and state as follows:

2 1. I am over twenty-one (21) years of age. I am a citizen of the People's Republic of
3 China ("PRC" or "China"). I have personal knowledge of and am fully competent to testify to the
4 matters set forth herein.

5 2. I am the Vice President of Defendant Fujian Jinhua Integrated Circuit Co., Ltd.
6 ("Jinhua"). I offer this Declaration in support of Defendant Jinhua's Reply in support of its
7 Application seeking to extend the deadline for it to make its Rule 16 reciprocal discovery disclosures.

8 3. I am responsible for overseeing Jinhua's legal affairs, including this case, and I am
9 familiar with matters related to Jinhua's document review and its preparation for trial.

10 4. In my November 17, 2021, declaration in support of Jinhua's application seeking to
11 extend the deadline to make Jinhua's Rule 16 reciprocal discovery disclosures (ECF No. 232-2)
12 ("November 17 Declaration"), I noted that in order to transmit potential evidence located in China
13 to counsel or court in the United States, Jinhua is obligated to comply with a number of PRC laws
14 and regulations, including, but not limited to, Article 4 of the International Criminal Judicial
15 Assistance Law of the PRC. This law provides that "... institutions, organizations and individuals
16 within the territory of the People's Republic of China shall not provide evidence materials and
17 assistance provided in this Law to foreign countries, without the consent of the competent authority
18 of the People's Republic of China." This law is relatively new, having been enacted in 2018. Based
19 on my experience and what I was told by counsel for Jinhua, this law has not been widely used in
20 the PRC, and thus Jinhua had to work with officials at the central and provincial government level
21 to determine the appropriate procedures to follow to make sure it was abiding by the law. As a result,
22 this process took longer than Jinhua or its counsel anticipated.

23 5. In my November 17 Declaration, I noted that Jinhua had made one application to the
24 PRC government. Based on the government's opposition, I provide the following additional details
25 and updates:

26 a. The first application submitted to the PRC Central Government related to nine
27 documents.
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b. Since my November 17 Declaration, Jinhua has submitted a second application to the PRC Central Government relating to 88 documents.

c. Combining these applications together, Jinhua has now submitted requests to the PRC Central Government for 97 documents.

6. It is my understanding that Jinhua has conducted a good faith review of documents and believes it has identified all potential Rule 16 reciprocal discovery materials it may want to use at trial, and does not anticipate needing to make any additional applications to the PRC Central Government at this time.

7. Jinhua has been communicating with the PRC Central Government, and believes that it will receive final permission from the PRC Central Government to send the documents to the United States before the end of the year. Please note, however, that Jinhua has no control over how long the PRC Central Government takes to complete its review.

8. While the final application is pending, Jinhua is working to translate all 97 documents (to the extent a translation is necessary) so that it hopefully can provide translations at the same time it produces the documents pursuant to its Rule 16 reciprocal discovery obligations, or shortly thereafter if the approval from the PRC Central Government comes sooner than expected.

I declare under penalty of perjury under the laws of the California and the United States of America that the foregoing is true and correct.

Executed on December 9, 2021, in Jinjiang City, Fujian Province, China.

By: 
JINFU ZHENG

SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(i), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from any other signatory to this document.

/s/ Matthew E. Sloan

Matthew E. Sloan